C.J.'s Court

Writ Petition No. 1382(S/B) of 2002

Mahendra Kumar Tayal	……..	Petitioner
	Versus	
State of Uttaranchal and others	……..	Respondents

Hon. A.A. Desai, C.J.
Hon. Irshad Hussain, J.

Sri Sri A.K.Sharma, learned counsel for the petitioner and Sri B. D. Kandpal, learned Standing Counsel.

The petitioner is posted as the Executive Engineer, Temporary Division, Public Works Department, Ghansali, district Tehri Garhwal. He was charged that he was absent on 9/10-08-2002 unauthorisedly, when certain natural calamity occurred. On this charge he was placed under suspension from 11.09.2002. He is still continuing under suspension.

Having regard to the nature of the charge, the department is at liberty to proceed with the departmental inquiry. However, the continuance of suspension is not justified. We, therefore, revoke the same and direct the department to allow the petitioner to resume his services at the appropriate place.

The petition is allowed accordingly.

(Irshad Hussain, J.) **(A.A. Desai, C.J.)**

Dt. 12.11.2002
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